

LAW OFFICES OF THOMAS MORE HOLLAND
BY: THOMAS MORE HOLLAND
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1522 LOCUST STREET
GRACE HALL
PHILADELPHIA, PA 19102

Attorney for Plaintiff
This is a jury trial

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOSEPH MARINO	§	
Plaintiff,	§	
v.	§	
	§	Civil Action No. 02 - CV - 4488
KENT LINE INTERNATIONAL	§	
d/b/a VOYAGEUR SHIPPING LTD.	§	
and	§	
SLS, INC. d/b/a	§	
HOLT OVERSIGHT AND LOGISTICAL	§	
TECHNOLOGIES	§	
and	§	
INCHCAPE SHIPPING	§	
Defendants.	§	

ORDER

AND NOW, this day of , 2003, upon consideration of *Plaintiff's Motion for Reconsideration of the November 20, 2002 Order for Change of Venue Pursuant to 28 U.S.C. § 1412*, and any response thereto, it is hereby ORDERED and DECREED that Plaintiff's Motion is GRANTED and venue is TRANSFERRED.

The instant matter is hereby TRANSFERRED to the District of New Jersey.

BY THE COURT:

J.

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HOLT OVERSIGHT AND LOGISTICAL	§	
TECHNOLOGIES	§	
and	§	
INCHCAPE SHIPPING	§	
Defendants.	§	

**PLAINTIFF'S MOTION FOR RECONSIDERATION OF THE NOVEMBER 20, 2002 ORDER
FOR CHANGE OF VENUE PURSUANT TO 28 U.S.C. § 1412**

Plaintiff, Joseph Marino, by and through his counsel, the Law Offices of Thomas More Holland, hereby respectfully submits the instant Motion for Change of Venue pursuant to 28 U.S.C. § 1412. In support thereof it is averred:

1. This action was commenced in state court in the Court of Common Pleas for Philadelphia County, by Complaint on June 6, 2002.
 2. A Notice for Removal was filed by Inchcape Shipping Services, and this matter was subsequently removed from state court to this Court.
 3. Plaintiff incorporates the allegations from the motion that resulted in the Court's November 20, 2002 Order as if the same were set forth at length herein. The Court's memorandum and Order is appended hereto as Exhibit "A".
 4. 28 U.S.C. § 1391 sets forth the venue rules, and states, in pertinent part:
 - (a) A civil action wherein jurisdiction is founded only on diversity of citizenship may, except as otherwise provided by law, be brought only in (1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the actions is situated, or (3) a judicial district in which any defendant is subject to personal jurisdiction at the time the action is commenced, if there is no district in which the action may otherwise be brought.

5. Section 1391(a)(2) applies to the instant matter.
6. A substantial part of the events giving rise to the claim occurred in Gloucester City, New Jersey.
7. 28 U.S.C. § 1412 states that: "a district court may transfer a case or proceeding under title 11 to a district court for another district, in the interest or justice or for the convenience of the parties."
8. It is in the interest of justice to transfer this matter to the District of New Jersey.
9. On or about May 12, 2003 a related action 03-3058 was filed naming three Defendants not named in the above caption lead case.
10. By order of July 10, 2003 sua sponte the 03-3058 action was consolidated into this action, 02-4488.
11. This motion is made based contingently upon the unlikely denial of Plaintiff's Motion for Default Judgment against Defendant Joseph Levy and Maureen Levy.
12. This motion is also presented in fulfillment of Plaintiff's counsel's duty of candor to this tribunal. Certain counsel of record suggest that this Court has no jurisdiction over Defendants Joseph Levy and Maureen Levy.
13. In the event the Court denies the motion for Entry of Default against Defendants Joseph Levy and Maureen Levy such an order should be without prejudice and simultaneously the action should be transferred to the District of New Jersey.

WHEREFORE, it is respectfully submitted that in the interest of justice the instant matter should be transferred to the District of New Jersey where a substantial part of the events giving rise to the claim occurred if the Motion for Entry of Default Judgment is denied.

Respectfully Submitted,

August 27, 2003

Date

By:

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Law Offices of Thomas More Holland
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Counsel for Plaintiff, Joseph Marino

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INCHCAPE SHIPPING	§	
Defendants.	§	

**MEMORANDUM OF LAW IN SUPPORT OF
 PLAINTIFF'S MOTION FOR CHANGE OF VENUE
PURSUANT TO 28 U.S.C. § 1412**

Plaintiff, Joseph Marino, by and through his counsel, the Law Offices of Thomas More Holland, hereby respectfully submits the instant Motion for Change of Venue pursuant to 28 U.S.C. § 1412. This action was commenced in state court in the Court of Common Pleas for Philadelphia County, by Complaint on June 6, 2002. A Notice for Removal was filed by Inchcape Shipping Services, and this matter was subsequently removed from state court to this Court.

28 U.S.C. § 1331 sets forth the venue rules, and states, in pertinent part:

- (a) A civil action wherein jurisdiction is founded only on diversity of citizenship may, except as otherwise provided by law, be brought only in
 - (1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of the property that is the subject of the actions is situated,

or (3) a judicial district in which any defendant is subject to personal jurisdiction at the time the action is commenced, if there is no district in which the action may otherwise be brought.

Section 1391(a)(2) applies to the instant matter. According to discussions with at least one Defense attorney there is the suspicion and belief that this Court may lack jurisdiction over Defendants Joseph Levy and Maureen Levy. 28 U.S.C. § 1412 states that: "a district court may transfer a case or proceeding under title 11 to a district court for another district, in the interest or justice or for the convenience of the parties." It is in the interest of justice to transfer this matter to the District of New Jersey.

It is respectfully submitted that in the interest of justice the instant matter should be transferred to the District of New Jersey where a substantial part of the events giving rise to the claim occurred in the event the Court determines jurisdiction is lacking over the Levy Defendants.

Respectfully Submitted,

August 27, 2003

Date

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